

REMARKS

Upon entry of the above amendments, claims 1-41 will be pending, with claims 1, 16, 24, and 32 being independent. Claims 1, 2, 5, 10-13, 16, 24, and 32 have been amended. No new matter has been added. In view of the amendments and remarks, all of the claims should be allowed.

Prior Art Rejections

Claims 1-41 have been rejected under 35 USC 102(b) and/or 103(a) for allegedly being anticipated or obvious in view of one or more of Hoffman (U.S. Pat. No. 6,622,017; "Hoffman") and Sears (U.S. Pub. No. US2002/0069263; "Sears"). These rejections are traversed.

The Claims are not Anticipated

The claims, as amended, are not anticipated by the cited references, as the cited references do not teach elements of the claimed subject matter.

Subscription / Service to Enable Wireless Communications

As amended, independent claim 1 recites sending data to a mobile device relating to mobile service subscription choices, where the subscription choices include choices to initiate or modify a subscription to enable wireless communications over a wireless network. In some implementations of the claimed subject matter, choices for choosing a rate plan can be sent to a mobile device such that a user can choose a rate plan on their mobile phone. ¶ [0026].

Advantageously, in some implementations, a phone need not be tied to a particular wireless carrier (e.g., Verizon) and rate plans can be offered from diverse wireless carriers such that a user of a mobile phone can shop for mobile services from their phone. ¶ [0022]. Also, a rate plan can be selected without having to interact with customer service representatives.

In contrast to the subject matter of claim 1, which is directed to subscription choices to initiate or modify a subscription to enable wireless communications over a wireless network, Hoffman discloses over the air programming of wireless terminal features, such as caller-ID. Title; col. 11, lines 17-23. The terminal features of Hoffman are not the same as a subscription choice to initiate or modify a subscription to enable wireless communications over a wireless

network. Indeed, Hoffman assumes a subscription to enable wireless communications over a wireless network has already been established and makes no suggestion of applying Hoffman's techniques to a basic subscription service choice. In contrast to being able to select caller-ID or another feature that assumes a subscription to a wireless carrier, in some implementations of the claimed subject matter rate plans from different wireless carriers can be available for selection by a user of a mobile phone. In some implementations, mobile phones need not be tied to a specific carrier when programming a phone at a manufacturer. ¶¶ [0022], [0026]. Thus, because Hoffman does not disclose features of claim 1, claim 1 is not anticipated by Hoffman.

Similar to the feature of claim 1 directed to a subscription to enable wireless communications over a wireless network, claims 16 and 32 recite a feature directed to "a service to enable wireless communications over a wireless network." This feature is not disclosed in Hoffman. In particular, claim 16, as amended, recites:

receiving information associating a mobile device with a particular service, the particular service being a service to enable wireless communications over a wireless network;

identifying settings data associated with the particular service ...; and

sending settings data for the particular service to the mobile device (emphasis added).

And, claim 32, as amended, recites:

an application download server storing mobile device settings for accessing services associated with at least one mobile service provider, wherein the application download server is operable to selectively send the mobile device settings to selected mobile devices for use in modifying the settings for each selected mobile device and the services comprise a service to enable wireless communications over a wireless network (emphasis added).

Because these features of claims 16 and 32 are not disclosed in Hoffman, Hoffman does not anticipate these claims.

Claim 24 includes features directed to a memory of a mobile device storing an address of a server that stores settings data associated with at least one mobile service. The at least one mobile service includes a service to enable wireless communications over a wireless network and the memory is operable to store instructions for communicating with the server at the stored

address, receiving settings data, and storing the received settings data in the memory. In some implementations of the claimed subject matter, a mobile phone can connect with a server to receive settings that relate to activation of a subscription for voice communications. ¶ [0010]. Advantageously, a mobile phone can be activated over the air by sending settings that relate to a specific wireless carrier without requiring a user of a mobile phone to buy a specific mobile phone for the carrier. ¶ [0022].

In contrast to the subject matter of claim 24, Sears does not disclose a memory of a mobile device storing an address of a server that stores settings data associated with at least one mobile service, where the at least one mobile service includes a service to enable wireless communications over a wireless network. Rather, Sears is directed to wireless java technology, including a service and content delivery platform for maintaining statistics and metrics. Title; ¶ [0012]. Thus, because Sears does not disclose features of claim 24, claim 24 is not anticipated by Sears.

The Claims are not Obvious

The claims, as amended, are not obvious in view of the cited references for at least the reason that a combination of the references would not disclose all of the features of the independent claims.

As discussed above, claims 1, 16, and 32 recite features that are absent from Hoffman. Applicant submits that the features of claims 1, 16, and 32 discussed above are absent from Sears. Thus, a combination of Hoffman and Sears could not result in the claimed subject matter and the rejections under 35 USC section 103 of claims 10 and 11, 21 and 22, and 39, which depend on claims 1, 16, and 32, should be withdrawn.

For at least the reasons above, the independent claims are neither anticipated nor obvious in view of the cited references. Thus, claims 1, 16, 24, and 32 should be allowed. Claims 2-15; 17-23, 25-31, and 33-41 depend on claims 1, 16, 24, and 32, respectively; thus, these claims should be allowed as well.

Conclusion

In view of the above amendments and remarks, all of the claims are in condition for allowance. A formal notice to that effect is respectfully requested.

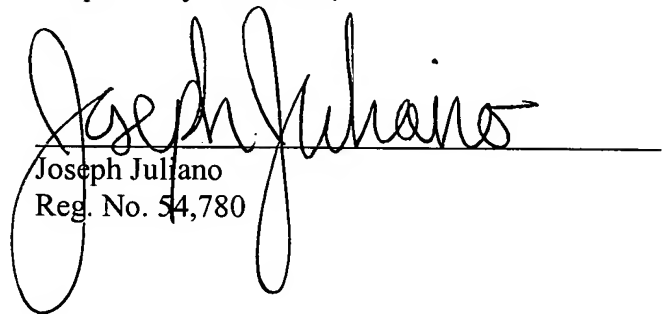
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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